Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Riverbend RV Park and Resort WWTP, located at 1020 Agnes Road, one mile north of the intersection of Agnes Road and Farm-to-Market Road 2759 and approximately 0.2 mile west on the Riverbend Park and Resort Road, Richmond, Fort Bend County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 12, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,575

Amount Deferred for Expedited Settlement: \$2,515 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$295 **Total Due to General Revenue:** \$9,765

Payment Plan: 35 payments of \$279 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 20, 2011

Date(s) of NOE(s): March 21, 2011

Violation Information

- 1. Failed to enclose the wastewater treatment plant with an intruder-resistant fence. Specifically, one side of the Facility was not fenced [30 Tex. Admin. Code § 317.7(e)].
- 2. Failed to measure flow and perform quality controls as required. Specifically, flow was not being measured during sample collection, and a duplicate analysis or a standard check for total chlorine residual analysis was not being performed at a minimum of once every ten samples [30 Tex. Admin. Code §§ 319.6 and 319.9(a) and (d)].
- 3. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the chlorine contact basin contained 1.5 feet of sludge in five feet of water depth [30 Tex. Admin. Code § 305.125(5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014319001, Operational Requirements No. 1].
- 4. Failed to comply with permitted effluent limitations for residual chlorine and ammonia nitrogen [Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014319001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
- 5. Failed to timely submit annual sludge reports and a discharge monitoring report ("DMR"). Specifically, sludge reports (due by September 30 of each year) for August 2008 to July 2009 and August 2009 to July 2010, were not submitted until March 1, 2011 and February 3, 2011, respectively. The DMR for September 2010 (due by October 20, 2010) was submitted January 27, 2011 [30 Tex. ADMIN. CODE §§ 305.125(1) and (17) and 319.1 and 319.7(d) and TPDES Permit No. WQ0014319001, Sludge Provisions and Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:

a. Submitted sludge reports for the periods of August 2008 to July 2009 and August 2009 to July 2011 on March 1, 2011 and February 3, 2011, respectively;

- b. Removed sludge from the chlorine contact basin and developed a procedure to monitor and remove the sludge whenever it becomes more than six inches thick on April 13, 2011;
- c. Submitted the September 2010 DMR on January 27, 2011; and
- d. Enclosed all sides of the wastewater treatment plant with an intruder-resistant fence on or about April 28, 2011.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0014319001; and
- ii. Begin measuring flow during sample collection and perform duplicate analysis or a standard check for total chlorine residual analysis at a minimum of once every ten samples.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.; and
- c. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014319001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jeremy Escobar, Enforcement Division, Enforcement Team 3, MC R-14, (361) 825-3422; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Mike Oda, Owner/President, Riverbend RV Park and Resort, 1020

Agnes Road, Richmond, Texas 77469-8393

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 28-Mar-2011 Screening 7-Apr-2011 **EPA** Due 8-Jul-2011 PCW RESPONDENT/FACILITY INFORMATION Respondent Mike Oda d/b/a Riverbend RV Park and Resort Reg. Ent. Ref. No. RN103016234 Major/Minor Source Minor Facility/Site Region 12-Houston CASE INFORMATION No. of Violations 6 Enf./Case ID No. 41442 Docket No. 2011-0544-MWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit No Enf. Coordinator Jeremy Escobar Multi-Media EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$7,300 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 75.0% Enhancement \$5,475 Enhancement for nine months of self-reported effluent violations, two NOVs with same/similar violations, and one order with a denial of Notes liability. \$0 Subtotal 4 Culpability No 0.0% Enhancement The Respondent does not meet the culpability criteria. Notes Subtotal 5 \$200 Good Faith Effort to Comply Total Adjustments Subtotal 6 \$0 0.0% Enhancement* **Economic Benefit** Total EB Amounts *Capped at the Total EB \$ Amount \$516 Approx. Cost of Compliance \$12,575 SUM OF SUBTOTALS 1-7 \$0 0.0% OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Notes Final Penalty Amount \$12,575 \$12,575 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty -\$2,515 20.0% Reduction Adjustment Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$10,060

Notes

PAYABLE PENALTY

Screening Date 7-Apr-2011

Docket No. 2011-0544-MWD-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent Mike Oda d/b/a Riverbend RV Park and Resort

Case ID No. 41442

Reg. Ent. Reference No. RN103016234

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) 0%	mponent Number of
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments and default judgments, or non-adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program No 0% O% O% O% O% O% O% O% O% O%	
Orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, 0 0% of this state or the federal government Convictions Convictions Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Please Enter Yes or No Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program No 0% 0% 0% 0% 0% 0%	Other written NOV
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Participation in a voluntary pollution reduction program Early compliance with, or offer of a product that meets future state or federal government environmental requirements No 0%	lunder a special ass
government environmental requirements	
Adjustment Percentage (Subtotal 2)	
>> Repeat Violator (Subtotal 3)	t Violator (Subtotal 3)
No Adjustment Percentage (Subtotal 3)	No
>> Compliance History Person Classification (Subtotal 7)	iance History Person Classifi
Average Performer Adjustment Percentage (Subtotal 7)	Average Performer
>> Compliance History Summary	iance History Summary
Compliance History Notes Enhancement for nine months of self-reported effluent violations, two NOVs with same/similar violations, and one order with a denial of liability.	History
Total Adjustment Percentage (Subtotals 2, 3, & 7)	

	ate 7-Apr-2011	Docket No. 2011-	0544-MWD-E	PCW
	ent Mike Oda d/b/a Riverbend No. 41442	d RV Park and Resort		tion 2 (September 2002) evision October 30, 2008
Reg. Ent. Reference			1 CW NC	, vision occupe, 50, 2000
	ite] Water Quality			
Ent. Coordina Violation Num	itor Jeremy Escobar			
Rule Cite	presentation and presentation and a second	30 Tex. Admin. Code § 317.7(e)		
	Failed to enclose the wa	stewater treatment plant with an i	ntruder-resistant fence.	
Violation Descrip	Specifical Specifical	lly, one side of the Facility was not	fenced.	
	Structural interference with details as extenses throughout the Contract Co		Base Penalty	\$10,000
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>> Environmental, Pro	perty and Human Hear Harm			rest in the second
OR Ad	ease Major Moderat ctual	e Minor		AND THE PROPERTY OF THE PROPER
333333333333333	ential x	Perce	ent 10%	
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Falsificat		Patrick Commence of the Commen		
- Construction of the Cons		Perce	ent 0%	1
Human	health or the environment cou	ld be exposed to significant amour	nts of pollutants which	
Matrix would not Notes	t exceed levels that are protect	ive of human health or the environ violation.	nment as a result of the	, III. I consum
		Violation.	***************************************	
		Adjustme	ent \$9,000	
				\$1,000
Violation Events				
	r of Violation Events 1		er of violation days	
	daily			
	weekly			
mark only with an		V	/iolation Base Penalty	\$1,000
	semiannual			
1	single event			***************************************
[uuuuuu
One quart	terly event is recommended fro	m the January 20, 2011 investigation April 7, 2011.	tion until case screening	
Good Faith Efforts to C				\$100
	Before NO Extraordinary	NOV to EDPRP/Settlement Offer		The state of the s
	Ordinary	X		
	N/A	(mark with x)		and the state of t
	Notes Complia	nce was achieved on or about Apri	il 28, 2011.	
	bangan abbana TERSEN		Violation Subtotal	\$900
Economic Benefit (EB)	for this violation	Statı	utory Limit Test	
Esti	mated EB Amount	\$17 Violation	on Final Penalty Total	\$1,650
	This v	iolation Final Assessed Penalty	y (adjusted for limits)	\$1,650

		conomic	Benefit	WO	rksheet		
		a Riverbend RV Pa	ark and Resort		\$40,000,000	170000140 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	
Case ID No.	41442						
Reg. Ent. Reference No.	RN103016234						
	Water Quality					Percent Interest	Years of
Violation No.	1					reitent interest	Depreciation
						5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs Equipment	\$900	20-Jan-2011	28-Apr-2011	0.27	\$1	\$16	\$17
Buildings	3500	20-7011-2011	70-Vhi-5011	0.00	\$0 \$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0 \$0
Engineering/construction		(0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		1	*****	0.00	\$0	n/a	<u>\$0</u>
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)						**************	
Notes for DELAYED costs	Estimated co	st to install prope				l h/a l stigation date and th	\$0 ne final date is
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PCW		Screening Date 7-Apr-2011
n 2 (September 2002) sion October 30, 2008	· ·	Respondent Mike Oda d/b/a F Case ID No. 41442
3011 UCLUSET 30, 2006		Reg. Ent. Reference No. RN103016234
		Media [Statute] Water Quality
		Enf. Coordinator Jeremy Escobar
	2	
	30 Tex. Admin. Code §§ 319.6, and 319.9(a) and (d)	Rule Cite(s)
	Failed to measure flow and perform quality assurance controls as required.	Failed to me
	cifically, flow was not being measured during sample collection, and a duplicate	Specifically flow
	nalysis or a standard check for total chlorine residual analysis was not being	analysis or a
	perfomed at a minimum of once every ten samples.	
		Les reconstructions of the second sec
\$10,000	Base Penalty	
		 Environmental, Property and Huma
	Harm Jajor Moderate Minor	Release Major
		OR Actual
	y Percent 5%	Potential
		Programmatic Matrix
		Falsification Major
***************************************	Percent 0%	
***************************************	the environment could be exposed to insignificant amounts of pollutants as a	II .
	result of this violation.	Notes
	±0.500	
	Adjustment \$9,500	
\$500		
		olation Events
		Jiacion Events
	on Events 2 Number of violation days	Number of Violation Events
	talv.	daily
		weekly
	[passessessessess]	mark only one monthly
\$1,000	* (::::::::::::::::::::::::::::::::::::	with an x quarterly
		semiannual annual
	[homeone-record]	single event
	Two single events are recommended:	
\$0		
	0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	od Faith Efforts to Comply
	() () () () () () () () () ()	Extraordinary
	Ordinary	Ordinary
	N/A x (mark with x)	N/A
	Notes The Respondent does not meet the good faith criteria for	Notes
Months.	this violation.	Notes
12 000	<u>B </u>	L.
\$1,000	Violation Subtotal	
	violation Statutory Limit Test	onomic Benefit (EB) for this violation
\$1,750		
	type a general track to the second se	Estimated EB Amount
\$1,750	This violation Final Assessed Penalty (adjusted for limits)	

	Er	conomic	Benefit	Wo	rksheet		
Respondent		a Riverbend RV P					
Case ID No.	41442						
eg. Ent. Reference No.							
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
violation ivo.	_					5.0	1'
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
1919 - 4 1919 1911 1919 1919 1919 1919 1919	::::::::::::::::::::::::::::::::::::::					88442	
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		l		0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Jan-2011	15-Oct-2011	0.73	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	<u>\$0</u>
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	L	السيسينيين		0.00	\$0	l n/a l	\$0
							c and duality
Notes for DELAYED costs	assurance co	ontrols are perfor	med. The date expected	require I date (ed is the investigat of compliance.	ll flow measurement ion date and the fin	al date is the
Notes for DELAYED costs Avoided Costs	assurance co	ontrols are perfor	med. The date expected	require I date (enterir	ed is the investigated compliance. In the description of the compliance of the comp	ion date and the fin	al date is the
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Avoided Costs Disposal Personnel pection/Reporting/Sampling	assurance co	ontrols are perfor	med. The date expected	require d date d enterir 0.00 0.00	ed is the investigated from the investigation of th	for one-time avoid \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0
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PCW	e 7-Apr-2011 Docket No. 2011-0544-MWD-E	
ion 2 (September 2002) vision October 30, 2008	. 41442 PCW Rev . RN103016234] Water Quality	Cas Reg. Ent. Refer Media
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	30 Tex. Admin. Code § 305.125(5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014319001, Operational Requirements No. 1	R
	Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the chlorine contact basin contained 1.5 feet of sludge in five feet of water depth.	Violation I
\$10,000	Base Penalty	
	erty and Human Health Matrix Harm	>> Environmenta
	e Major Moderate Minor	OR
	Percent 10%	OK .
		>>Programmation
	Major Moderate Minor Percent 0%	
	th or the environment could be exposed to significant amounts of pollutants as a result of this violation.	Matrix H Notes
·		
	Adjustment \$9,000	*
\$1,000		
		Violation Events
	f Violation Events 1 77 Number of violation days	
	daily weekly	
¢1.000	monthly	
\$1,000	quarterly x Violation Base Penalty semiannual annual	
	single event	
	rly event is recommended from the January 20, 2011 investigation until screening on April 7, 2011.	
\$100	nply 10.0% Reduction	Good Faith Effort
7200	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	GOOG FARM ENORS
	Ordinary X	
·	N/A (mark with x)	
	Notes Compliance was achieved on April 13, 2011.	
\$900	Violation Subtotal	
	r this violation Statutory Limit Test	Economic Benefil
\$1,650	ited EB Amount \$11 Violation Final Penalty Total	
\$1,650	This violation Final Assessed Penalty (adjusted for limits)	

	E	conomic	penent	VV O	rksneet		
Respondent	t Mike Oda d/b/	a Riverbend RV P	ark and Resort				
Case ID No	41442						
eg. Ent. Reference No	RN103016234	,					
	Water Quality						Years of
Violation No.	58					Percent Interest	Depreciation
Violation No						= ^	
						5.0	######################################
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$						
		toward the people is to constitute the contract		ere ere er			
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$ 0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	20-Jan-2011	13-Apr-2011	0.23	\$11	n/a	\$11
						o conduct process o	
Notes for DELAYED costs	and settleat	ole solids tests and Investiga	d remove sludge tion date and th	e from e final	the chlorine conta date is the date of	ct basin. The date re f compliance.	equired is the
Avoided Costs	and settleat	ole solids tests and Investiga	d remove sludge tion date and th	e from e final enterir	the chlorine conta date is the date of ng item (except	ct basin. The date re f compliance. for one-time avoic	equired is the
Avoided Costs	and settleat	ole solids tests and Investiga	d remove sludge tion date and th	from e final enteria 0.00	the chlorine conta date is the date of ng item (except \$0	ct basin. The date re f compliance. for one-time avoid \$0	equired is the led costs)
Avoided Costs Disposal Personnel	and settleat	ole solids tests and Investiga	d remove sludge tion date and th	from e final enterin 0.00 0.00	the chlorine conta date is the date of ng item (except \$0 \$0	ct basin. The date re f compliance. for one-time avoid \$0 \$0	led costs) \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	and settleat	ole solids tests and Investiga	d remove sludge tion date and th	from e final entering 0.00 0.00 0.00	the chlorine conta date is the date of ng item (except \$0 \$0 \$0	ct basin. The date re f compliance. for one-time avoid \$0 \$0	led costs) \$0 \$0 \$0
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Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	and settleat	ole solids tests and Investiga	d remove sludge tion date and th	e from e final 0.00 0.00 0.00 0.00 0.00	the chlorine conta date is the date of ng item (except \$0 \$0 \$0 \$0 \$0	ct basin. The date reference. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	squired is the
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Respondent Mile Oda dijk Riverbend RV Park and Resort Policy Environment Al 1402 Reg. Ent. Reference No. Ril 13031224 Medial [Statute] Medial [Statute] File Coordinator Permy Escoba Permy Esco	Scr	eening Date 7-Apr-2011 Docket No. 2011-0544-MWD-E	PCW
Reg. Ent. Reference No. RNI 03016234 Media (Statute) Where Quality Enf. Coordinator Jeremy Escolar Violation Number 4 Rule Cite(s) Permit No. WQ0014319001, effluent Limitations and Hontoring Requirements No. 1 and 2 Violation Description Permit No. WQ0014319001, effluent Limitations, as documented in an investigation conducted on January 20, 2011. See attached table. Palled to comply with permitted effluent limitations, as documented in an investigation conducted on January 20, 2011. See attached table. Permit No. WQ0014319001, effluent Limitations, as documented in an investigation conducted on January 20, 2011. See attached table. Permit No. WQ0014319001, effluent Limitations, as documented in an investigation conducted on January 20, 2011. See attached table. Permit No. WQ0014319001, effluent Limitations, as documented in an investigation conducted on January 20, 2011. See attached table. Permit No. WQ0014319001, effluent Limitations, as documented in an investigation conducted on January 20, 2011. See attached table. Permit No. WQ0014319001, effluent Limitations, as documented in an investigation conducted on January 20, 2011. See attached table. Permit No. WQ0014319001, effluent Limitations, as documented in an investigation of Malarity. Permit No. WQ0014319001, effects of Malarity No. WQ00			
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onomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$460 Violation Final Penalty Total \$7,000		Violation Subtota	\$4,000
Estimated EB Amount \$460 Violation Final Penalty Total \$7,000			
	onomic Ben	efit (EB) for this violation Statutory Limit Test	
This violation Final Assessed Penalty (adjusted for limits) \$7.000			47.000
		Estimated EB Amount \$460 Violation Final Penalty Tota	\$7,000
		Estimated EB Amount \$460 Violation Final Penalty Tota This violation Final Assessed Penalty (adjusted for limits	

	Mike Oda d/h/	a Riverbend RV P	ark and Resort	organis noncollina			
Case ID No.		a raverbena ravi	arre arra recoore				
Reg. Ent. Reference No.						h	Years of
	Water Quality					Percent Interest	Depreciation
Violation No.	4			**********			
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
derinin neona and biblioth Propagation na constanting and security			reger men en e		305000.00000000000000000000000000000000		
Delayed Costs							
Equipment		<u> </u>		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs		li l				_ 7_	2.4
remit costs		l		0.00	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs			causes of the e	1.84 ffluent	\$460 violations and to i	n/a mplement necessary	\$460 y rehabilitation
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	1.84 ffluent te requ il date i	\$460 violations and to it uired is the month is the expected da ng item (except i	n/a mplement necessary the first non-compli te of compliance. for one-time avoic	\$460 y rehabilitation ant excursion led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	1.84 ffluent te requ date i enterir 0.00	\$460 violations and to it uired is the month is the expected da ng item (except i	n/a mplement necessary the first non-compli te of compliance. for one-time avoic \$0	\$460 y rehabilitation ant excursion led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	1.84 ffluent te requ date onterir 0.00	\$460 violations and to it uired is the month is the expected date in the first section of the	n/a mplement necessary the first non-complite of compliance. for one-time avoic \$0 \$0	\$460 y rehabilitation ant excursion led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	1.84 ffluent te required date enterir 0.00 0.00 0.00	\$460 violations and to it lired is the month is the expected da ng item (except if \$0 \$0 \$0 \$0	n/a mplement necessary the first non-compli te of compliance. for one-time avoic \$0 \$0 \$0 \$0	\$460 y rehabilitation ant excursion led costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	ffluent te requ date onterir 0.00 0.00 0.00	\$460 violations and to it bired is the month is the expected da ng item (except i \$0 \$0 \$0 \$0 \$0	n/a mplement necessary the first non-compli te of compliance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$460 y rehabilitation ant excursion led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	1.84 ffluent te requ date i enterir 0.00 0.00 0.00 0.00	\$460 violations and to it uired is the month is the expected date of the following item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a mplement necessary the first non-compli te of compliance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$460 y rehabilitation ant excursion fed costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	1.84 ffluent te requ date i enterir 0.00 0.00 0.00 0.00 0.00	\$460 violations and to it uired is the month is the expected date of the following item (except in \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a mplement necessary the first non-compliate of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$460 y rehabilitation ant excursion fed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	1.84 ffluent te requ date i enterir 0.00 0.00 0.00 0.00	\$460 violations and to it uired is the month is the expected date of the following item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a mplement necessary the first non-compli te of compliance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$460 y rehabilitation ant excursion fed costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos to the waste	ot to evaluate the water treatment : was documen	causes of the e system. The da ted and the fina	1.84 ffluent te requ date i enterir 0.00 0.00 0.00 0.00 0.00	\$460 violations and to it uired is the month is the expected date of the following item (except in \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a mplement necessary the first non-compliate of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$460 y rehabilitation ant excursion fed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
Case ID No. Reg. Ent. Reference No.	41442 PC RN103016234	Revision 2 (September 2002) W Revision October 30, 2008
Media [Statute] Enf. Coordinator Violation Number	Jeremy Escobar	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (17), and TPDES Permit No. WQ0014319 Sludge Provisions	001
Violation Description	Failed to timely submit annual sludge reports (due by September 30 of each yea for August 2008 to July 2009 and August 2009 to July 2010. The reports were submitted March 1, 2011 and February 3, 2011 respectively.	
	Base Pena	s10,000
	ty and Human Health Matrix Harm	
Release OR Actual	Major Moderate Minor	
Potential	Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
	X Percent 1%	tututan
Matrix Notes	Less than 30% of the rule requirement was not met.	
000000000000000000000000000000000000000		
	Adjustment \$9,9	
		\$100
Violation Events		
Number of \	/iolation Events 2 Number of violation days	
	daily weekly monthly	
mark only one with an x	quarterly Violation Base Pena semiannual	lty \$200
•	annual single event X	
	Two single events are recommended.	
Good Faith Efforts to Com		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	2000
	Ordinary N/A x (mark with x)	**************************************
	Notes The Respondent does not meet the good faith criteria for this violation.	
00 0 000000 00000000000000000000000000	Violation Subto	tal \$200
Economic Benefit (EB) for		+250
Estimate	ed EB Amount \$19 Violation Final Penalty To	
	This violation Final Assessed Penalty (adjusted for limit	00 و ارد.

Reg. Ent. Reference No. Media Violation No.	Water Quality			:		Percent Interest	Years of Depreciation
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	5.0 Onetime Costs	15 EB Amount
Item Description			Timul Date		interest outco	J. J	
Delayed Costs							
Equipment				T0.00 T	\$0	\$0	\$0
Buildings		1		0.00	\$0	\$0	\$0
Other (as needed)	\$100	20-Jan-2011	15-Oct-2011	0.73	\$0	\$5	\$5
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00			+0
i citilic costs		J		0.00	\$0	n/a	\$0
Other (as needed)	 Control of the control of the control	enter a contrata de la contrata del contrata de la contrata del contrata de la contrata del contrata de la contrata de la contrata de la contrata del contrata de la contrata del la contrata del contrata del la contrata del	odate operation	1.35 al guidar	\$13 nce and to develo	n/a h/a p a procedure to en d is the investigation	\$13 sure that all
Other (as needed) Notes for DELAYED costs	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 al guidar timely. Estima and the	\$13 nce and to develo The date require ted cost of \$200 final date is the	n/a p a procedure to en d is the investigation to submit two repor date the reports wer	\$13 sure that all n date and the ts. The date e submitted.
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 lal guidar timely. Estima and the	\$13 The date require ted cost of \$200 final date is the outgoing tem (except)	n/a p a procedure to en d is the investigation to submit two repor date the reports wer for one-time avoic	\$13 sure that all n date and the ts. The date re submitted. led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 lal guidar timely. Estima and the entering	\$13 The date require ted cost of \$200 final date is the original date is the first tem (except \$0	n/a pp a procedure to en d is the investigation to submit two repor date the reports wer for one-time avoic \$0	\$13 sure that all n date and the ts. The date e submitted. led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 al guidar timely. Estima and the entering 0.00 0.00	\$13 The date require ted cost of \$200 final date is the original date in the original date is the original date in the original date in the original date is the original date in the original date in the original date is the original date in the original date i	n/a p a procedure to en d is the investigation to submit two repor date the reports wer for one-time avoic \$0 \$0	\$13 sure that all on date and the ts. The date e submitted. led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 al guidar timely. Estima and the entering 0.00 0.00 0.00	\$13 nce and to develor The date require ted cost of \$200 final date is the or gitem (except \$0 \$0 \$0	n/a p a procedure to en d is the investigation to submit two repor date the reports wer for one-time avoic \$0 \$0 \$0 \$0	\$13 sure that all of date and the ts. The date esubmitted. led costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel spection/Reporting/Sampling Supplies/equipment	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 al guidar timely. Estima and the entering 0.00 0.00 0.00 0.00	\$13 nce and to develo The date require ted cost of \$200 final date is the o gitem (except \$0 \$0 \$0 \$0	n/a pp a procedure to en d is the investigation to submit two repor date the reports wer for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$13 sure that all on date and the ts. The date e submitted. led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 al guidar timely. Estima and the entering 0.00 0.00 0.00 0.00 0.00	\$13 nce and to develor The date require ted cost of \$200 final date is the or gitem (except \$0 \$0 \$0 \$0 \$0 \$0	n/a pp a procedure to en d is the investigation to submit two repor date the reports wer for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$13 sure that all on date and the ts. The date e submitted. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 al guidar timely. Estima and the entering 0.00 0.00 0.00 0.00	\$13 nce and to develo The date require ted cost of \$200 final date is the o gitem (except \$0 \$0 \$0 \$0	n/a pp a procedure to en d is the investigation to submit two repor date the reports wer for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$13 sure that all on date and the ts. The date e submitted. led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated notifications, final date is required is	cost of \$100 to up reports, and data the expected data the date the first	odate operational are submitted of compliance. report was due	1.35 al guidar timely. Estima and the enterin 0.00 0.00 0.00 0.00 0.00	\$13 nce and to develor The date require ted cost of \$200 final date is the or gitem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a pp a procedure to en d is the investigation to submit two repor date the reports wer for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$13 sure that all on date and the ts. The date esubmitted. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

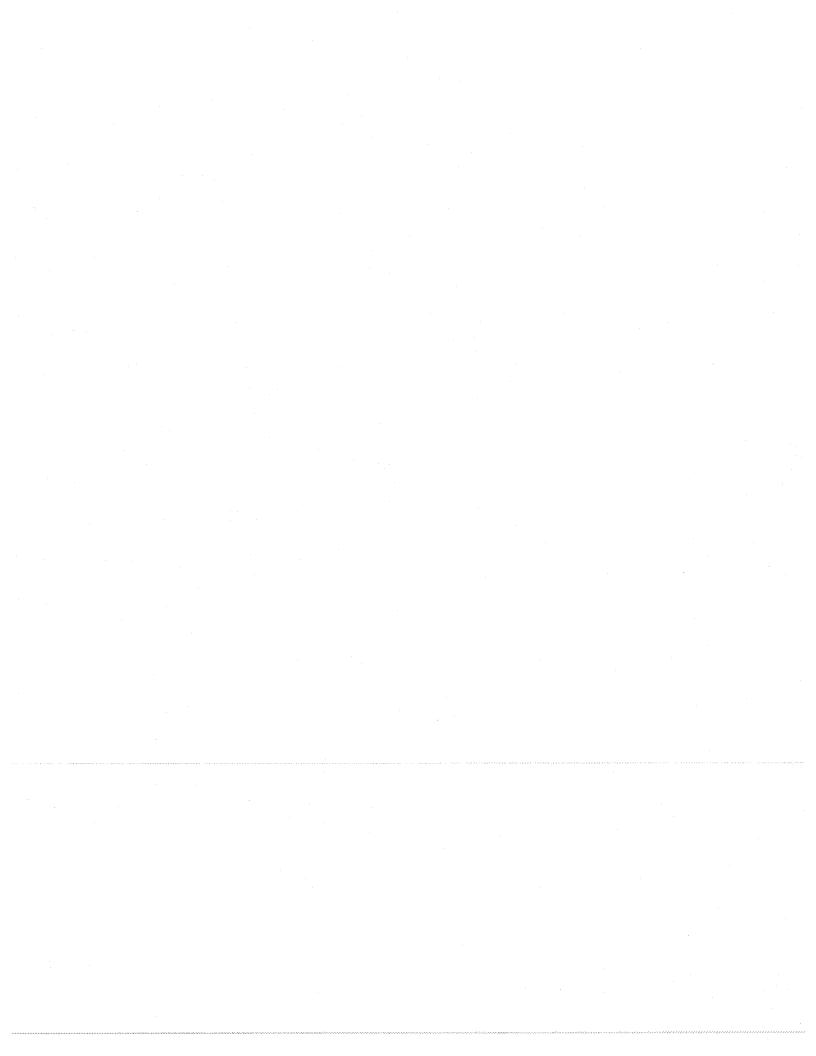
Reg. Ent. Ref Medi Enf. C	case ID No. erence No. a [Statute]	Mike Oda d/b/a 41442 RN103016234	Riverbend RV Park		0. 2011-0544-M\	Policy Revisio	PCW n 2 (September 2002) sion October 30, 2008
Violatio	Rule Cite(s)	WQ0 Failed to timely	n. Code §§ 305.12 014319001 Monito submit the dischar ctober 20, 2010).	oring and Reporti ge monitoring re	ng Requirements port ("DMR") for S	No. 1 September 2010	
						Base Penalty	\$10,000
>> Environmer			Harm				TO THE PERSON NAMED IN THE
OR	Release Actual	Major	Moderate M	inor	Percent	0%	
>>Programma	Potential tic Matrix				Percent [<u>U 70 3</u>	
[Falsification	Major	Moderate M	inor x	Percent	1%	
Matrix Notes		Less th	an 30% of the rule	requirement wa	s not met.		
				,	Adjustment	\$9,900	
							\$100
Violation Event	S	-		-			WYWYYY CHARLES
	Number of V	iolation Events	1	1	Number of viol	ation days	-
		daily weekly					
	mark only one with an x	monthly quarterly semiannual annual			Violation	Base Penalty	\$100
		single event [x				
			One single event	is recommended			THE THE PROPERTY OF THE PROPER
Good Faith Effo	rts to Comp		0.0% Redu Before NOV NOV to	ction o EDPRP/Settlement	Offer		\$0
-		Extraordinary Ordinary				and the second s	
		N/A Notes	x (mark	with x) oes not meet the this violation.		for	
		L			Viol	ation Subtotal	\$100
Economic Bene	fit (EB) for	this violatio	n		Statutory L	imit Test	-
	Estimate	ed EB Amount		\$1]	Violation Final		\$175
			This violation	n Final Assesse	d Penalty (adjus	ted for limits)	\$175

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	41442	a Riverbend RV P	ark and Resort				
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
Item Description		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Oct-2010	27-Jan-2011	0.27	\$1	n/a	\$1
Notes for DELAYED costs Avoided Costs	the date the r and to de	report was submit velop a procedure	ted. See Violat to ensure that	ion No. all noti	5 for estimated of fications, reports,	eport was due and to bust to update operal and data are submit for one-time avoic	tional guidance tted timely.
Avoided Costs Disposal				0.00	\$0	\$0	\$0
Personnel		1		0.00	\$0	\$0	\$0
nspection/Reporting/Sampling		†======	····	0.00	\$0	\$0	\$0
Supplies/equipment		†		0.00	\$0	\$0	\$0
Financial Assurance [2]		†		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$50			TOTAL		\$1

Mike Oda d/b/a Riverbend RV Park and Resort RN103016234; Docket 2011-0544-MWD-E; TPDES Permit No. WQ0014319001

Limits	minimum chlorine residual	NH-3 DAC	NH-3 DAL	NH-3 SG	
Month/Year	1 mg/L	3 mg/L	o.6 lbs/day	15 mg/L	
February 2010	0.8	С	С	c	
July 2010	c	3.53	С	c	
September 2010	c	9.03	0.69	18.85	
January 20, 2011	0.35*	С	С	С	

DAC = daily average concentration, DAL = daily average loading, SG = single grab c = compliant, mg/L = milligrams/liter, * = grab sample during investigation NH-3 = ammonia nitrogen



Compliance History

Customer/Respondent/Owner-Operator:

CN600686034

ODA, MIKE

Classification:

Rating: 1.69

AVERAGE

Regulated

RN103016234

RIVER BEND RV PARK AND RESORT WWTP

Classification: AVERAGE

Site Rating: 1.69

ID Number(s):

WASTEWATER

PERMIT

WQ0014319001

WASTEWATER

EPA ID

TX0124699

Location:

1020 AGNES ROAD, ONE MILE N OF INTERSECTION OF

AGNES ROAD & FM 2759 & APPROX 0.2 MI W ON RIVERBEND PARK AND RESORT ROAD, RICHMOND,

FORT BEND COUNTY, TEXAS.

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History

March 29, 2011

Agency Decision Requiring Compliance

Enforcement

Compliance Period:

March 29, 2006 to March 29, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Thomas Jecha

Phone:

239 - 2576

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period? No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 07/11/2010

ADMINORDER 2009-1742-MWD-E

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 7/26/2006 (480789) 2 12/1/2006 (633151) 3 6/20/2007 (633152) 4 6/20/2007 (633153) 5 12/1/2006 (633154)

6 7/25/2007 (633155)

7 12/1/2006 (633156)

8 7/25/2007 (633157)

9 12/1/2006 (633158) 10 7/25/2007 (633159)

11	12/12/07	(633160)
12	12/1/2006	(633161)
13	12/12/07	(633162)
14	12/1/2006	(633163)
15	11/8/2007	(633164)
16	2/5/2007	(633165)
17	12/5/2007	(633166)
18	2/5/2007	(633167)
19	12/5/2007	(633168)
20	3/29/2007	(633169)
21	12/1/2006	(633170)
22	3/29/2007	(633171)
23	4/7/2008	(677732)
24	4/7/2008	(677733)
25	4/7/2008	(677734)
26	5/14/2008	(696516)
27	8/28/2008	(718211)
28	8/28/2008	(718212)
29	8/28/2008	(718213)
30	8/29/2008	(718214)
31	8/29/2008	(718215)
32	10/24/08	(718216)
33	11/20/08	(733470)
34	11/20/08	(733471)
35	3/5/2009	(756608)
36	4/8/2009	(756609)
37	3/5/2009	(756610)
38	3/5/2009	(756611)
39	10/9/2009	(767487)
40	5/13/2009	(773530)
41	6/6/2009	(773531)
42	6/6/2009	(773532)
43	4/26/2010	(799011)
44	3/23/2010	(820833)
45	8/7/2009	(820834)
46	10/12/09	(820835)
47	10/12/09	(820836)
48	11/13/09	(820837)
49 50	1/8/2010	(820838)
50 54	3/23/2010	(820839)
51	3/23/2010	(820840)
52 52	4/23/2010	(836564)
53 54	4/23/2010	(836565)
54 ==	6/10/2010	(836566)
55 56	9/29/2010	(875927)
56 57	12/14/10	(878804)
57	11/27/10	(889889)

58	1/27/201	1 (89	8293)					
59	1/5/11	(89	8294)					
60	3/21/11	(90·	1729)					
61	1/27/11	(90	4149)					
62	1/13/11	•	5039)					
		,	•	EDS Inv. Track	· Na)			
vviitten ne	dices of vio	iations (NO	v). (CC	EDO IIIV. HACK	(. INO.)			
		Date: 05/3	1/2006	(633158)	,	CN6006860:	34	
		Self	YES				Classification	Moderate
		Citation:		VC Chapter 26 305, SubChap		•	21(a)	
							ermit parameter	
		Date: 12/3		(633171)		CN6006860	•	
		Self	YES				Classification	Moderate
		Citation:		VC Chapter 26		•	21(a)	
			•	305, SubChap		` '		
		Description Date: 10/3				ne or more p C N 60068603	ermit parameter	
		Self	YES	(000100)		0140000000	Classification	Moderate
		Citation:		VC Chapter 26	. SubCha	apter A 26.12		moderate
				305, SubChap		•	- 1 (2.7)	
		Description	: Failur	e to meet the li	imit for or	ne or more p	ermit parameter	
		Date: 01/3		(677732)		CN60068603		
		Self	YES	VO Ob 20	CubOb	A OO 40	Classification	Moderate
		Citation: 30 TAC (VC Chapter 26 305, SubChapt		•	21(a)	
			•	•		. ,	ermit parameter	
		Date: 01/3	1/2009	(756608)	(CN60068603	34	
		Self	YES				Classification	Moderate
		Citation:		VC Chapter 26			21(a)	
				305, SubChapt		, ,	ermit parameter	
		Date: 03/3				CN60068603	•	
		Self	YES	` .			Classification	Moderate
		Citation:	2D TV	VC Chapter 26	, SubCha	pter A 26.12	?1(a)	
				305, SubChapt				
						-	ermit parameter	
		Date: 02/2 Self	YES	(836564)	`	CN60068603	Classification	Moderate
		Citation:		VC Chapter 26	. SubCha	nter A 26.12		Moderate
				305, SubChapt	•	•	(=)	
		•			mit for on	e or more pe	ermit parameter	
		Date: 04/2		(799011)	(CN60068603		
		Self	NO CO TA	0.05	0.101	4	Classification	Major
		Citation:		C Chapter 30, 30, SubChapte			(b)	
				1 PERMIT	. 6 00.00	O(d)		
		Description	: Failure	to employ a c	ertified o	perator.		
	į	Self	NO				Classification	Minor
	i	Citation:		C Chapter 317	317.4(a)	(8)		
			•	317 317.7(i) e to provide an	air dan o	r a hackflow	prevention devic	e at the process
	i	Description		vater treatmen		a DackiiOW	prevendon devic	c at the process
		Self	NO				Classification	Minor
	•	ā., ,, ·-						

O.R., pg. 23-24, No. 6 PERMIT

Description: Failure to submit the annual sludge report.

30 TAC Chapter 305, SubChapter F 305.125(11)(C)

30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Citation:

NO Classification Self Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

O.R., pg. 9, No.1 PERMIT

Description: Failure to maintain the chlorine contact basin free of sludge.

Classification Minor Self

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

O.R., pg. 9, No. 1 PERMIT

Description: Failure to maintain the digester.

Classification Minor Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(4) Citation:

30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121

Description: Failure to prevent the unauthorized discharge of wastewater from the wastewater

treatment plant.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) I.E.L.&M.R., pg. 2, No. 2 PERMIT

Description:

Description:

Failure to maintain compliance with permit limits for total chlorine residual. Description:

Classification Self Report? NO Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(d) Failure to provide accurate flow measurements.

Classification Self Report? NO Minor

30 TAC Chapter 319, SubChapter A 319.7(a) Citation:

Description: Failure to record the flow measurement at the time of the sampling event.

Classification Moderate Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(5) Citation:

O.R., pg. 9, No. 1 PERMIT Description: Failure to maintain an intruder-resistant fence around the wastewater treatment plant.

Self Report? NO Classification Minor 30 TAC Chapter 317 317.3(e)(4)(D) Citation:

Description: Failure to maintain the high level alarms at the off site lift station.

NO Classification Self Report? Minor

30 TAC Chapter 317 317.3(a) Citation: 30 TAC Chapter 317 317.3(e)(4)(C)

Failure to secure the off site lift station in an intruder resistant manner. Description: Minor

Self Report? NO Classification Citation: 30 TAC Chapter 317 317.4(a)(8)

Failure to provide an air gap or a backflow prevention device at the off site lift station. Description:

Self Report? NO Classification Minor

30 TAC Chapter 319, SubChapter A 319.6 Citation:

30 TAC Chapter 319, SubChapter A 319.9(c) Description: Failure to properly maintain laboratory equipment and to perform the required quality

assurance/quality control (QA/QC) procedures for total chlorine residual.

Classification Self Report? NO Minor

30 TAC Chapter 319, SubChapter A 319.11(b) Citation: Description: Failure to properly conduct the total chlorine residual and manganese correction.

Self Report? NO Classification

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

W.Q.P., page 1 PERMIT

07/31/2010 CN600686034

Failure to discharge at the location required by the permit.

Classification Self Report? Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

CN600686034 Date 09/30/2010 (898293)YES Classification Moderate Self Report? Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter (905039) CN600686034 Date 01/13/2011 Self Report? NO Classification Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: Classification Moderate Self Report? NO Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: Classification Self Report? NO Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? Classification Moderate NO 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: Environmental N/A Type of environmental management systems (EMSs). N/A Voluntary on-site compliance assessment dates. N/A Participation in a voluntary pollution reduction program. N/A Early compliance. N/A

24-- 0.4-

F.

G.

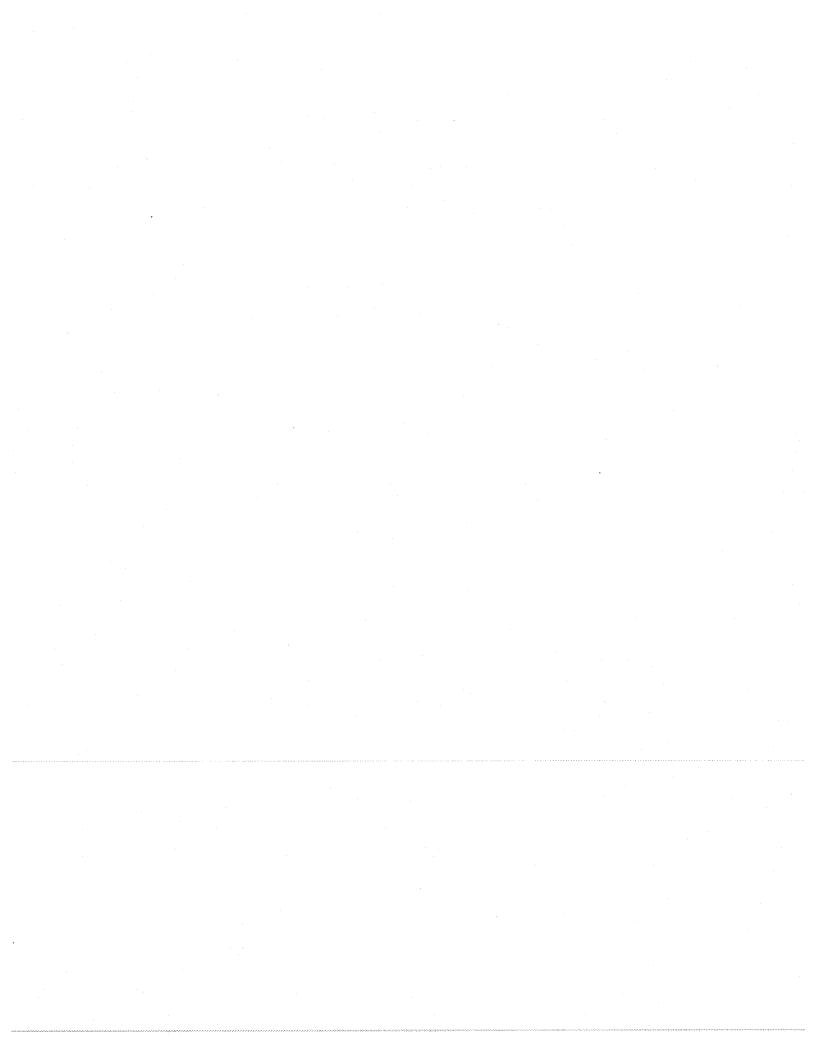
H.

١.

J.

Sites Outside of Texas

N/A



Texas Commission on Environmental Quality



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
MIKE ODA D/B/A RIVERBEND	§	
RV PARK AND RESORT	§	
RN103016234	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-0544-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mike Oda d/b/a Riverbend RV Park and Resort ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located at 1020 Agnes Road, one mile north of the intersection of Agnes Road and Farm-to-Market Road 2759 and approximately 0.2 mile west on the Riverbend Park and Resort Road in Richmond, Fort Bend County, Texas (the "Facility).
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 26, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twelve Thousand Five Hundred Seventy-Five Dollars (\$12,575) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Ninety-Five Dollars (\$295) of the administrative penalty and Two Thousand Five Hundred Fifteen Dollars (\$2,515) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Nine Thousand Seven Hundred Sixty-Five Dollars (\$9,765) of the administrative penalty shall be payable in thirty-five (35) monthly payments of Two Hundred Seventy-Nine Dollars (\$279) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Submitted sludge reports for the periods of August 2008 to July 2009 and August 2009 to July 2011 on March 1, 2011 and February 3, 2011, respectively;
 - b. Removed sludge from the chlorine contact basin and developed a procedure to monitor and remove the sludge whenever it becomes more than six inches thick on April 13, 2011;
 - c. Submitted the September 2010 discharge monitoring report ("DMR") on January 27, 2011; and
 - d. Enclosed all sides of the wastewater treatment plant with an intruder-resistant fence on or about April 28, 2011.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to enclose the wastewater treatment plant with an intruder-resistant fence, in violation of 30 Tex. ADMIN. CODE § 317.7(e), as documented during an investigation conducted on January 20, 2011. Specifically, one side of the Facility was not fenced.
- 2. Failed to measure flow and perform quality assurance controls as required, in violation of 30 Tex. Admin. Code §§ 319.6 and 319.9(a) and (d), as documented during an investigation conducted on January 20, 2011. Specifically, flow was not being measured during sample collection, and a duplicate analysis or a standard check for total chlorine residual analysis was not being perfomed at a minimum of once every ten samples.
- 3. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 Tex. Admin. Code § 305.125(5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014319001, Operational Requirements No. 1, as documented during an investigation conducted on January 20, 2011. Specifically, the chlorine contact basin contained 1.5 feet of sludge in five feet of water depth.
- 4. Failed to comply with permitted effluent limitations, in violation of Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014319001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during an investigation conducted on January 20, 2011 and shown in the following table:

Limits	minimum chlorine residual	NH-3 DAC	NH-3 DAL	NH-3 SG
Month/Year	1 mg/L	3 mg/L	o.6 lbs/day	15 mg/L
February 2010	0.8	С	С	С
July 2010	С	3.53	с	С
September 2010	С	9.03	0.69	18.85
January 20, 2011	0.35*	С	с	С

DAC = daily average concentration, DAL = daily average loading, SG = single grab c = compliant, mg/L = milligrams/liter, * = grab sample during investigation NH-3 = ammonia nitrogen

5. Failed to timely submit annual sludge reports and a DMR, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.1 and 319.7(d) and TPDES Permit No. WQ0014319001, Sludge Provisions and Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on January 20, 2011. Specifically, sludge reports (due by September 30 of each year) for August 2008 to July 2009 and August 2009 to July 2010, were not submitted until March 1, 2011 and February 3, 2011, respectively. The DMR for September 2010 (due by October 20, 2010) was submitted January 27, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Mike Oda d/b/a Riverbend RV Park and Resort, Docket No. 2011-0544-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0014319001; and
 - ii. Begin measuring flow during sample collection and perform duplicate analysis or a standard check for total chlorine residual analysis at a minimum of once every ten samples, as required by 30 Tex. ADMIN. CODE §§ 319.6, and 319.9(a) and (d).

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a., in accordance with Ordering Provision No. 2.c. below.
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014319001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director	11/17/1/ Date
agree to the attached Agreed Order on behalf do agree to the terms and conditions specified accepting payment for the penalty amount, is I also understand that failure to comply wi and/or failure to timely pay the penalty amou A negative impact on compliance histo Greater scrutiny of any permit applicat Referral of this case to the Attorney additional penalties, and/or attorney for Increased penalties in any future enfor Automatic referral to the Attorney Go and TCEQ seeking other relief as authorize	th the Ordering Provisions, if any, in this orderent, may result in: ory; tions submitted; General's Office for contempt, injunctive reliefees, or to a collection agency; rement actions; eneral's Office of any future enforcement actions
Signature Oda	07-08-20 (1 Date
Name (Printed or typed) Authorized Representative of Mike Oda d/b/a Riverbend RV Park and Reso	Downer/Presedout Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.